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STATE FOR EAP/MLS, DRL/ILCSR
LABOR FOR TINA MCCARTER

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TAGS: [ELAB](#) [CB](#)
SUBJECT: CAMBODIA CHILD LABOR REPORT UPDATE 2006

REF: STATE 184972

1. Please find below post's update of the child labor report for Cambodia. An electronic version of the report, including updated footnotes listing sources, will be emailed to Tina McCarter.

Begin Text:

Cambodia

Incidence and Nature of Child Labor

Forty-five percent of children ages 5 to 14 years were counted as working in Cambodia in 2001. The majority of working children were found in the agricultural sector (76.5 percent), followed by services (17.7 percent), manufacturing (4.9 percent) and other sectors (0.9 percent). Children work in hazardous conditions on commercial rubber plantations, in salt production, in fish processing, portering, brick-making, and as garbage pickers. Street children engage in scavenging, begging, and shoe polishing. Children, primarily girls, also work as domestic servants. Most of these child domestics are girls ages 14 to 17, though it is not uncommon to find them as young as 8 or 9; they typically work 12 to 16 hours a day, 7 days a week. Child labor is one of many problems associated with poverty. In 2004, 19 percent of the Cambodian population was living on less than USD 1 a day.

Cambodia is reported to be a country of origin, transit, and destination for trafficking in children for the purposes of commercial sexual exploitation and various other forms of work, including forced labor and begging. Cambodian children are trafficked to Thailand and Malaysia, and Vietnamese children are trafficked to Cambodia, for the purpose of commercial sexual exploitation or forced labor. Children are also exploited in pornography.

Article 68 of the Constitution guarantees the right to 9 years of free, non-compulsory education to all citizens. However, costs such as uniforms, books, fees, and teacher demands for unofficial fees make schools unaffordable for many families. In 2005, the gross primary enrollment rate was 124 percent and the net primary enrollment rate was 83 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2004, 47% of children were able to complete grade six from a net enrollment rate of 91% at grade one. Twenty-one percent of children completed their basic education at grade nine. Education is often inaccessible to minority groups who do not speak Khmer, as classes are conducted only in that language. While girls legally have equal access to schooling, many families with limited income choose to send male children rather than females, and the distance some must travel to school is a deterrent for families who fear for the safety of female children.

Child Labor Laws and Enforcement

The worst forms of child labor may be prosecuted under different statutes in Cambodia. The Labor Law sets the minimum age for employment at 15 years, although a later 1999 ministerial decree set the minimum age at 14 years. The Labor Law allows children ages 12 to 15 years to perform light work that is not hazardous and does not affect regular school attendance or participation in other training programs. The Labor Advisory Committee has been tasked with defining the criteria for "light" and "hazardous" work, but has not completed this task. Employers who violate the law may be fined 31 to 60 days of the base daily wage. Night work is generally prohibited for children. The Labor Law prohibits work that is hazardous to the mental and physical development of children under the age of 18 and prohibits all forced or compulsory labor, including in agriculture and domestic work. A Prakas (Ministerial Order) on the Prohibition of Hazardous Child Labor lists 38 types of hazardous work such as tanning, logging, chemical use in textile production, etc., in which children under age 18 are not permitted to work. The Prakas separately identifies domestic work as hazardous, states children under age 12 shall not carry out domestic work, and sets guidelines for children ages 12 to 14 undertaking domestic work. Additionally it states no one under age 18 shall work in underground mines or quarries, or work during the hours of 10:00 pm and 5:00 am. Lists of working children must be kept by employers and submitted to labor inspectors, and children who have parents or guardians must have their consent in order to work.

The Cambodian Constitution prohibits prostitution and the trafficking of human beings. The 1996 Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings penalizes brothel owners, operators, and individuals who prostitute others with prison terms of between 10 to 20 years, depending on the age of the victim. The Law outlaws acts of debauchery, though it is unclear if the legal definition of debauchery includes pornography. However, the courts have prosecuted several cases of child pornography under this law. The minimum age for conscription into military service is 18 years.

Since 1999, the Government of Cambodia has submitted to the ILO a list or an equivalent document identifying hazardous forms of work prohibited to minors under Convention 138.

The Ministry of Labor and Vocational Training (MOLVT) is responsible for enforcing child provisions of the Cambodian Labor Law. Since 2000, questions on child labor have been incorporated into routine labor inspections. However, the Labor Law applies only to the formal sector and the most serious child labor problems are in the informal sector. No employer has ever been prosecuted for violating child labor laws. Local police are responsible for enforcing laws against child trafficking and prostitution; however, the U.S. Department of State reports that counter-trafficking efforts are hampered by corruption, a weak judiciary system, lack of transparency, inadequate resources, and staffing shortages. Some improvement was indicated in prosecution and conviction rates in 2004. In September 2005, the President determined that due to Cambodia's continued failure to meet standards established in the U.S. Trafficking Victims Protection Act, it would be subject to restrictions on certain non-humanitarian and non-trade assistance. Due to progress shown in 2005 in combating trafficking-in-persons, these restrictions were lifted in July 2006.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) Action Program 2004-2008 places strong emphasis on child welfare and protection. Specific issues include combating child labor and trafficking, development of national plans, and improving enforcement mechanisms for violators of child labor and trafficking laws. The Government of Cambodia is undertaking a final assessment of its first 5-year plan against trafficking and sexual exploitation of children in order to finalize and implement its second 5-year plan (2005-2009). The 2005-2009 Plan would expand the scope of the initial plan to include trafficking for both sexual and labor exploitation purposes. The 2003-2005 National Poverty Reduction Strategy (NPRS) identifies combating child labor, trafficking and prostitution as a strategic objective and defines measures to address these problems.

The Government of Cambodia has signed a memorandum of understanding (MOU) with the Government of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women. The Government of Cambodia also signed a similar MOU with the Government of Vietnam in October 2005. Additionally, Cambodia is signatory to a multilateral MOU pledging cooperation on trafficking. Other signatories to this "Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)" include Burma, Laos, Peoples Republic of China, Thailand, and Vietnam. The members held their first meeting in March 2005 to draft their Sub-regional Plan of Action. This plan was subsequently adopted, and in May 2006 the members held a meeting in Phnom Penh concerning its implementation.

The Government of Cambodia is participating in a USD 4.75 million USDOL-funded Timebound Program supported by ILO-IPEC to eliminate child labor in specified worst forms, and to create a platform for eliminating all forms of child labor. The program targets children involved in the brick-making, portering, rubber-making, domestic work, salt production, fish processing, and services. USDOL has also launched a USD 3 million project that focuses on providing education opportunities to those children who have been or have the potential to be trafficked.

There are several governmental agencies that have on-going programs to address the needs of children vulnerable to exploitation in the worst forms of child labor. The Ministry of Women's Affairs (MOWA) and the Ministry of Tourism (MOT), in collaboration with NGOs, work to combat sex tourism. In September 2005, the MOT teamed with the ILO to promote "Child Safe" tourism policies to prevent trafficking of women and children for labor and sexual exploitation. The Ministry of Interior operates an anti-trafficking hotline. MOSAVY works with UNICEF and IOM to return trafficked children to their homes. In 2006, 1273 victims of trafficking, beggar, porters, the majority (more than 70%) of whom are children, were returned to Cambodia and reintegrated into their community. MOWA and MOLVT, in conjunction with UNICEF's Community-Based Child Protection Network, work to teach children and community members about the hazards of trafficking, and train individuals to identify potential victims and take action to protect them. MOWA and IOM also collaborate on a public information campaign to raise awareness of trafficking. The Cambodian National Council for Children oversees adherence to the Convention on the Rights of the Child, and is working with Save the Children to promote a national mechanism for coordinating all organizations working against child sexual exploitation and trafficking.

Cambodia is included in a regional ILO-IPEC anti-trafficking project with funding from the Government of Japan and the UK. In addition to ongoing anti-trafficking funding from the U.S. Embassy in Cambodia, the U.S. Presidential Anti-Trafficking in Persons Initiative allocated USD 5.6 million to support programs to combat trafficking in Cambodia through 2006. Cambodia also participates in a project between ASEAN and AusAID on the elimination of trafficking in women and children in 4 Southeast Asian countries and China's Yunnan Province.

The Government of Cambodia is implementing its Education Strategic Plan (ESP) 2006-2010. The plan prioritizes expanding access to quality education, non-formal education skills training and re-entry and equivalency programs for young people, and expanded upper secondary and post-secondary education opportunities. The ESP is carried out in conjunction with the Education Sector Support Program (ESSP) 2006-2010. The ESSP is a companion document to the ESP, and translates ESP targets into phased operational programs to achieve Education for All by 2015. The Ministry of Education, Youth and Sport (MOEYS) is implementing Priority Action Programs through 2006 that operate nationwide and identify priority sub-sectors in education on which to focus resources and implementation strategies such as HIV/AIDS education, non-formal education expansion, higher education expansion and program monitoring and capacity building. The Non-Formal Education Department within MOEYS focuses on improving the reach, quality and impact of non-formal education to meet the needs of people of all ages, including working children.

The government also works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school. The ADB is providing support to MOEYS' efforts to

implement its ESP 2006-2010, which includes technical assistance for nationwide policy reforms, community-based skills training for out-of-school youth, and an initiative to increase equitable access to education. ADB supports two other education projects. The first focuses on educational assistance to girls and indigenous populations through awareness raising and the development of scholarship programs for lower secondary schooling. The second aims to improve primary school access in disadvantaged communities through community mobilization, capacity building, and facilities improvements. The World Bank launched a Basic Education Project in support of the government's ESSP, addressing equitable access and education quality improvement issues and targeting the most disadvantaged. The World Bank also signed a grant in September 2005, funded through the Japan Social Development Fund, which will support the government's efforts to provide basic education services to girls, disabled children, and other marginalized groups through a scholarship program. USAID has an ongoing basic education program focused on improving the quality and proficiency of the education system.

End Text.